

Drawing Amendments

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. In Fig. 1, previously omitted elements "processing device" and corresponding reference symbol "15", "stationary protractor" and corresponding reference symbol "16", and "fixing device" and corresponding reference symbol "17" were added. In Fig. 2, previously omitted elements "processing device" and corresponding reference symbol "15", "stationary protractor" and corresponding reference symbol "16", and "additional elements" and corresponding reference symbol "18" were added

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Figs. 1 and 2. A formal "Replacement Sheet" of amended Figs. 1 and 2 is also enclosed.

Attachments: Replacement Sheet
Annotated Sheet Showing Changes

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 11 and 14-23 remain in the application. Claims 11, 14, 16, 18, and 21 have been amended. Claims 11 and 12 are being cancelled herewith. The specification has been amended. Support for the changes to the specification can be found on page 5, lines 1-6; page 5, lines 12-15; and page 5, lines 27-32. No new matter has been added.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

More specifically, the Examiner stated that the processing device, the fixing device, the stationary protractor, and the additional elements must be shown or the features cancelled from the claims. As noted above, the stationary protractor, processing device, fixing device and the additional elements have been added to Figs. 1 and 2. Therefore, the objection to the drawings by the Examiner has been overcome.

In item 3 on page 3 of the above-identified Office action, claims 13, 14, and 17-20 have been rejected as failing to comply with the enablement requirement under 35 U.S.C. § 112.

More specifically, the Examiner alleges that it is unclear how the stationary force transducer detects a torque on the connecting element. Applicants respectfully disagree with the Examiner. More specifically, the specification explicitly discloses at page 7, line 31 to page 8, line 4 how this is done. Therefore, the specification of the instant application does describe how the force transducer detects a torque. Accordingly, claim 13 does meet the requirements of 35 U.S.C. §112, first paragraph. Therefore, claim 13 has not been amended to overcome the rejection.

The Examiner alleges that it is unclear how a stationary protractor provides a signal to a processing device. As noted above, the drawings have been amended so as to show the stationary protractor and the processing device. Accordingly, the rejection under 35 U.S.C. §112, first paragraph have been overcome.

Furthermore, a person skilled in the art, can easily apply stationary force transducers and/or stationary protractor for measuring the torque of a pivotal element relative to a fixed

point. According to the modular design of electronic devices, the signals of many electrical devices including stationary protractors and/or stationary force transducers can be delivered and processed in a processing unit, such as a computer. In all types of technical fields, these kinds of electronic devices are commonly used and for that reason a person skilled in the art would know how to use a stationary protractor or and/or a stationary force transducer and how to connect it with a processing unit to obtain a torque as claimed.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 5 on page 4 of the Office action, claims 11, 12, 15, and 21-23 have been rejected as being fully anticipated by Bräm (DE 847 394) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and as a whole, the claims have, therefore, not been amended to overcome the references. However, in order to facilitate

prosecution of the application claim 1 has been amended to include the subject matter of claims 12 and 13. Claim 16 has been made independent by adding the subject matter of claim 11 and intervening claim 12. Claim 21 has been amended to include the subject matter of claims 12, 13, and 16.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a stationary force transducer disposed for detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft.

Claim 16 calls for, *inter alia*:

a stationary protractor disposed to measure an angle between the connecting element and a horizontal axis extending transversely to the shaft.

Claim 21 calls for, *inter alia*:

detecting a pivoting movement of the floating body with respect to the shaft by using a stationary force transducer

for detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft or a stationary protractor disposed to measure an angle between the connecting element and a horizontal axis extending transversely to the shaft.

Bräm discloses a protection device for an electrical apparatus with an isolation fluid. A float (3, 4) is mounted pivotally on a bracket (7). Contrary to the present invention as claimed, Bräm does not disclose to measure the pivotal moment of the buoyant float bodies (3, 4). Bräm discloses that only if a maximum gas accumulation in the box is reached, the buoyant float bodies (3, 4) will release a switch of an electrical circuit (Bräm: page 2, lines 42-45). Therefore, Bräm discloses that the buoyant body float is used as a mechanical switch for switching the electrical switch in case a defined position (switching position) of the buoyant body float (3, 4) is reached. Accordingly, Bräm does not disclose to measure the torque of the buoyant float bodies nor does Bräm disclose to measure an angle between a connecting element and a horizontal axis extending transversely to a shaft. Bräm does not disclose to measure the torque or an angle because such values have absolutely no bearing on the operation of the switches.

With respect to claim 11:

As seen from the above-given remarks, the reference does not show a stationary force transducer disposed for detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft, as recited in claim 11 of the instant application.

With respect to claim 21:

As seen from the above-given remarks, the reference does not show detecting a pivoting movement of the floating body with respect to the shaft by using a stationary force transducer for detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft or a stationary protractor disposed to measure an angle between the connecting element and a horizontal axis extending transversely to the shaft, as recited in claim 21 of the instant application.

Since claim 11 and 21 are allowable over Bräm, dependent claims 15, 22, and 23 are allowable over Bräm as well.

In item 7 on page 5 of the Office action, claims 11, 12, and 21 have been rejected as being obvious over Applicants

disclosed prior art in view of Riddel (U.S. Patent No. 3,529,472) under 35 U.S.C. § 103.

Riddel discloses a float-operated thermistor (20) tank level sender. Riddle discloses that the resistance of the thermistor (20) varies in accordance with the amount of liquid in the reservoir (column 2, row 26 to 30). The thermistor (20) is mounted on a float (18), which is supported by bracket (24) with a pivotal mounting. Riddel does not disclose measurement of the torque of the buoyant float bodies (18) mounted on a shaft. Riddel does not disclose to measure an angle between a connecting element and a horizontal axis extending transversely to a shaft.

The Examiner acknowledges that applicant's disclosed prior art does not disclose a floating body or a shaft.

With respect to claim 11:

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above-given remarks, the references do not show or suggest a stationary force transducer disposed for

detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft, as recited in claim 11 of the instant application, as recited in claim 11 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, there is no *prima facie* case of obviousness.

With respect to claim 21:

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above-given remarks, the references do not show or suggest detecting a pivoting movement of the floating body with respect to the shaft by using a stationary force transducer for detecting a torque on the connecting element at a predetermined distance from a pivot point defined by the shaft or a stationary protractor disposed to measure an angle between the connecting element and a horizontal axis extending transversely to the shaft, as recited in claim 21 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, there is no *prima facie* case of obviousness.

As stated above, claim 16 was made independent and will be discussed with respect to the following rejection.

In item 8 on page 6 of the Office action, claims 16 and 18 have been rejected as being obvious over Bräm (DE 847 394) in view of Robinson (U.S. Patent No. 53,344) under 35 U.S.C. § 103. .

As noted above, Bräm explicitly discloses that the is used as a mechanical switch for switching the electrical switch in case a defined position of the buoyant body float (3, 4) is reached. The switches serve to switch the electrical apparatus off based on an accumulation of gas in the electrical apparatus. Bräm does not require monitoring a measurement of the movement of the float because the movement simply activates a switch. Accordingly, the switch serves to determine the position. Therefore, Bräm explicitly teaches away from a measurement of the movement of the float.

Moreover, Bräm discloses to measure the amount of gas in a unit filled with liquid. Bräm does not disclose to measure

the and not the amount of liquid. Robinson discloses a device for measuring a liquid level. Accordingly, a person of ordinary skill in the art is not provided with any motivation to combine Bräm and Robinson to obviate the present invention as recited in claim 16.

Since claim 16 is allowable over Bräm in view of Robinson, dependent claims 17-19 are allowable Bräm in view of Robinson as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 11, 16, and 21. Claims 11, 16, and 21 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 11, 16, or 21, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 11 and 14-23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

2003P19331 - Application No. 10/583,337
Response to Office action December 2, 2008
Response submitted March 31, 2009

If an extension of time for this paper is required, petition
for extension is herewith made.

Petition for extension is herewith made. The extension fee
for response within a period of one month pursuant to Section
1.136(a) in the amount of \$130 in accordance with Section 1.17
is enclosed herewith.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler
Reg. No.: 52,794

AKD:sa

March 31, 2009

Lerner Greenberg Stemer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101